VILLAGE OF CHIPMAN

LAND USE BYLAW NO. 362

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VILLAGE OF CHIPMAN
Province of Alberta
Land Use Bylaw No. 362

WHEREAS the Planning Act, R.S.A. 1980, and amendments thereto authorize the Council of a municipality to enact a land use bylaw to regulate and control the use and development of land and buildings within the municipality,

AND WHEREAS the Council of the Village of Chipman deems it desirable to adopt a land use bylaw,

NOW THEREFORE, the Village of Chipman repeals Land Use Bylaw No. 310 and amendments thereto and adopts this as the Village of Chipman Land Use Bylaw.

READ A FIRST TIME THIS 12th day of NOVEMBER, 1984.

READ A SECOND TIME THIS 14th day of JANUARY, 1985.

READ A THIRD AND FINAL TIME THIS 14th day of JANUARY, 1985.

Mayor

Municipal Administrator

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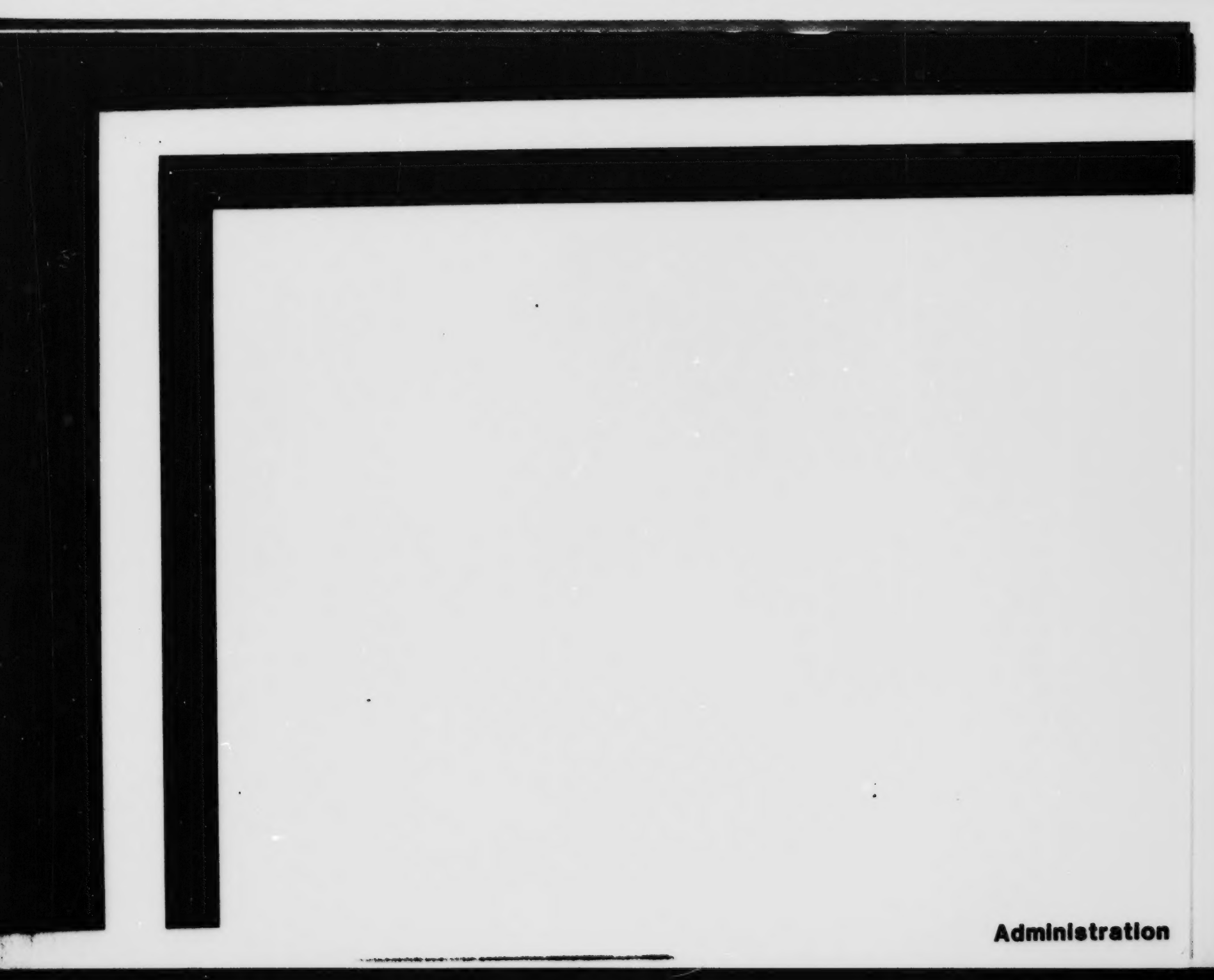


Administration

Bylaw # 362
VILLAGE of CHIPMAN
Land Use Bylaw

Pursuant to the Planning Act, R.S.A. 1980, the Council of the Village of Chipman in the Province of Alberta duly assembled, hereby enacts as follows:

PART 1 General Administrative Procedures

1.1 Purpose

1. The purpose of this Bylaw is to control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose, among other things:

   (a) to divide the municipality into districts;

   (b) to prescribe and regulate for each district the purposes for which land and buildings may be used;

   (c) to establish the office of one or more development officers;

   (d) to establish a method of making decisions on applications for development permits including the issuing of development permits;

   (e) to provide the manner in which notice of the issuance of a development permit is to be given.

1.2 Control of Development

1. No development other than that designated in Section 1.3 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

1.3 Development Not Requiring A Development Permit

1. The following development shall not require a development permit:

   (a) The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation.

   (b) The completion of a building which was lawfully under construction at the date of the first publication of the official notice required by the Act, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve months from the said date of the first publication of the official notice;

   (c) The use of any such buildings as is referred to in Section 1.3.1.(b) for the purpose for which construction was commenced;

   (d) The erection or construction of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) less than 3 feet (.91m) in height in front yards and less than 6 feet (1.8m) in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure.

   (e) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw.

   (f) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.

1.4 Non Conforming Buildings and Uses

1. A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform with the provisions of the Land Use Bylaw then in effect.

2. A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.

3. A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.

4. A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:

   (a) as may be necessary to make it a conforming building; or

   (b) as the Development Officer considers necessary for the routine maintenance of the building.

5. If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the Land Use Bylaw.

6. The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

1.5 Development Approval Authority

1. The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.

2. The Development Officer:

   (a) shall administer this Bylaw and receive, consider and decide upon all development permit applications;

   (b) shall keep and maintain for the inspection of the public during reasonable hours a copy of this Bylaw and all amendments thereto and ensure that copies of same are available to the public at a reasonable charge;

   (c) shall make available for inspection by the public a register of all applications for development permits and the decisions made thereon;

   (d) shall collect fees according to a scale to be established by resolution of Council;

   (e) shall be declared to be an authorized person of Council pursuant to Section 43 of the Planning Act.

PART 2 Development Application Process

2.1 Application for Development

1. An application for a development permit shall be made to the Development Officer in writing on Form A and shall be accompanied by:

   (a) a site plan in duplicate which shows:
   - (i) the legal description
   - (ii) front, rear and side yards, if any
   - (iii) any provision for offstreet vehicle parking
   - (iv) access and egress points to the site
   - (v) the location and dimensions of all existing and proposed buildings;

   (b) any other information as required by the Development Officer;

2. Each application for a development permit shall be accompanied by a fee in accordance with the following Development Permit Fees:

   (a) Residential: single and multi-family dwellings, additions, garages, covered patios, carports $5.00

   (b) Commercial: restaurants, retail stores, motels, service station, commercial additions, hotels, office structures, car lots and similar uses $25.00

   (c) Industrial: single and multiple tenancy developments for warehouse storage, repair, manufacture processing and service centres $25.00

   (d) Public and Quasi-Public: public service buildings such as churches, schools, auditoriums, firehalls, police stations, health clinics and government facilities $25.00

2.2 Decision Process

1. In making a decision the Development Officer may approve the application unconditionally, or impose conditions considered appropriate, permanently or for a limited period of time or refuse the application.

2. Council may require with respect to a development that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of public roadways or parking areas, to install or pay for the installation of utilities, or to pay an off-site levy or redevelopment levy imposed by bylaw.

3. In the case where an application for a development permit has been refused pursuant to this PART or ultimately after appeal pursuant to PART 3 of this Bylaw, the Development Officer may refuse to accept for consideration on the same property and for the same or similar use of the land by the same or any other applicant, a further application for a development permit for at least 6 months after the date of the previous refusal.

4. In the case where a proposed specific use of land or a building is not provided for in any district in the Bylaw, the Development Officer may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district.

5. The Development Officer may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Development Officer:

   (a) the proposed development would not:
      (i) unduly interfere with the amenities of the neighbourhood; or
      (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and:

   (b) the proposed development conforms with the use prescribed for the land or building in the Bylaw.

   (c) The Development Officer may allow only minor variances where site constraints or other factors prevent the developer from meeting the standards of the Bylaw.

6. An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made on it by the Development Officer within 40 days after receipt of the application by the Development Officer and the person claiming to be affected may appeal in writing as provided for in PART 3 of this Bylaw as though he has received a refusal at the end of the period specified in this subsection.

2.3 Development Permits and Notices

1. A permit granted pursuant to this PART does not come into effect until 15 days after the date an order, decision or development permit is publicized as described in Section 2.3.3 and any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.

2. Where an appeal is made pursuant to PART 3 of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.

3. When a permit has been issued the Development Officer shall:

   (a) immediately post a notice of the decision conspicuously on the property for which the applicant has been made; and

   (b) immediately mail a notice in writing to all adjacent land owners who in the opinion of the Development Officer may be affected; and/or

   (c) immediately publish a notice in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.

4. Development authorized by a permit is to be commenced within 10 months from the date of its issue and completed within 15 months from the date of its issue. A further extension of 10 months may be authorized by the Development Officer subject to an additional fee of $5.00.

5. A decision of the Development Officer on an application for a development permit shall be given in writing and a copy of it sent to the applicant.

6. When the Development Officer refuses an application for a development permit, the decision shall contain reasons for the refusal.

PART 3 Development Appeal Process

3.1 Appeal Procedure

1. An appeal may be made to the Development Appeal Board where a Development Officer:

   (a) refuses or fails to issue a development permit to a person within 40 days of receipt of the application;

   (b) issues a development permit subject to conditions;

   (c) issues an order under PART 5 of this Bylaw.

2. The person applying for the permit or affected by the order, under Section 3.1.1. or any other person affected by an order, decision or development permit of a Development Officer may appeal to the Development Appeal Board.

3. An appeal shall be made by serving a written notice of appeal to the Secretary of the Development Appeal Board within 14 days after:

   (a) the date the order, decision or permit issued by the Development Officer was publicized; or

   (b) the 40 day period referred to in Section 3.1.1.(a) has expired.

3.2 Public Hearing

1. Within 30 days of receipt of a notice of appeal, the Development Appeal Board shall hold a public hearing respecting the appeal.

2. The Development Appeal Board shall give at least 5 days notice in writing of the public hearing to:

   (a) the appellant;

   (b) the Development Officer from whose order, decision or development permit the appeal is made;

   (c) those adjacent land owners who were notified under Section 2.3.3.(b) and any other person who in the opinion of the Development Appeal Board, are affected by the order, decision or permit; and

   (d) such other persons as the Development Appeal Board specifies.

3. The Development Appeal Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:

   (a) the application for the development permit, its refusal and the appeal therefrom; or

   (b) the order of the Development Officer under Section 5.1.1., as the case may be.

4. At the public hearing referred to in Section 3.2.1. the Board shall hear:

   (a) the appellant or any person acting on his behalf;

   (b) the Development Officer from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Officer, that person;

   (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and

   (d) any other person who claims to be affected by the order, decision or permit and that the Development Appeal Board agrees to hear or a person acting on his behalf.

3.3 Decision

1. The Development Appeal Board shall give its decision in writing together with reasons for the decision within 15 days of the conclusion of the hearing.

2. A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Planning Act. An application for leave to appeal to the Appellate Division of the Supreme Court of Alberta shall be made:

   (a) to a judge of the Appellate Division; and

   (b) within 30 days after the issue of the order, decision, permit or approval sought to be appealed.

PART 4 Bylaw Amendment Process

4.1 Application to Amend Bylaw

1. A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee therefore required.

2. Council may at any time initiate an amendment to this Bylaw by directing the Development Officer to initiate an application therefore.

3. All applications for amendment to the Land Use Bylaw shall be made to the Council in the form of Form G and shall be accompanied by the following, namely:

   (a) an application fee of $200.00 for each application, but if the proposed amendment is adopted by Council, Council may determine that the whole or part of the application fee be returned to the applicant;

   (b) a certificate of search of the land affected or other documents satisfactory to the Development Officer including the applicant's interest in the said land;

   (c) all drawings required to be submitted shall be drawn on standard drafting material to the satisfaction of the Development Officer and shall be fully dimensioned, accurately figured, explicit and complete;

   (d) any other information deemed necessary by the Development Officer.

4. Council, during deliberation of the Bylaw amendment application, may refer the application to such agencies as it considers necessary for comment.

4.2 Public Hearing

1. All amendments to this Bylaw shall be made by Council by bylaw and in conformance with the requirements of the Planning Act regarding the holding of a public hearing.

PART 5 Bylaw Enforcement

5.1 Contravention and Penalties

1. Where a Development Officer finds that a development or use of land or buildings is not in accordance with:

   (a) the Planning Act or the regulations; or

   (b) a development permit or subdivision approval; or

   (c) the Land Use Bylaw;

   the Development Officer may, by notice in writing, order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or all or any of them to:

   (i) stop the development or use of the land or buildings in whole or in part as directed by the notice; or

   (ii) demolish, remove or replace the development; or

   (iii) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Planning Act, the regulations, a development permit, subdivision approval or this Bylaw as the case may be.

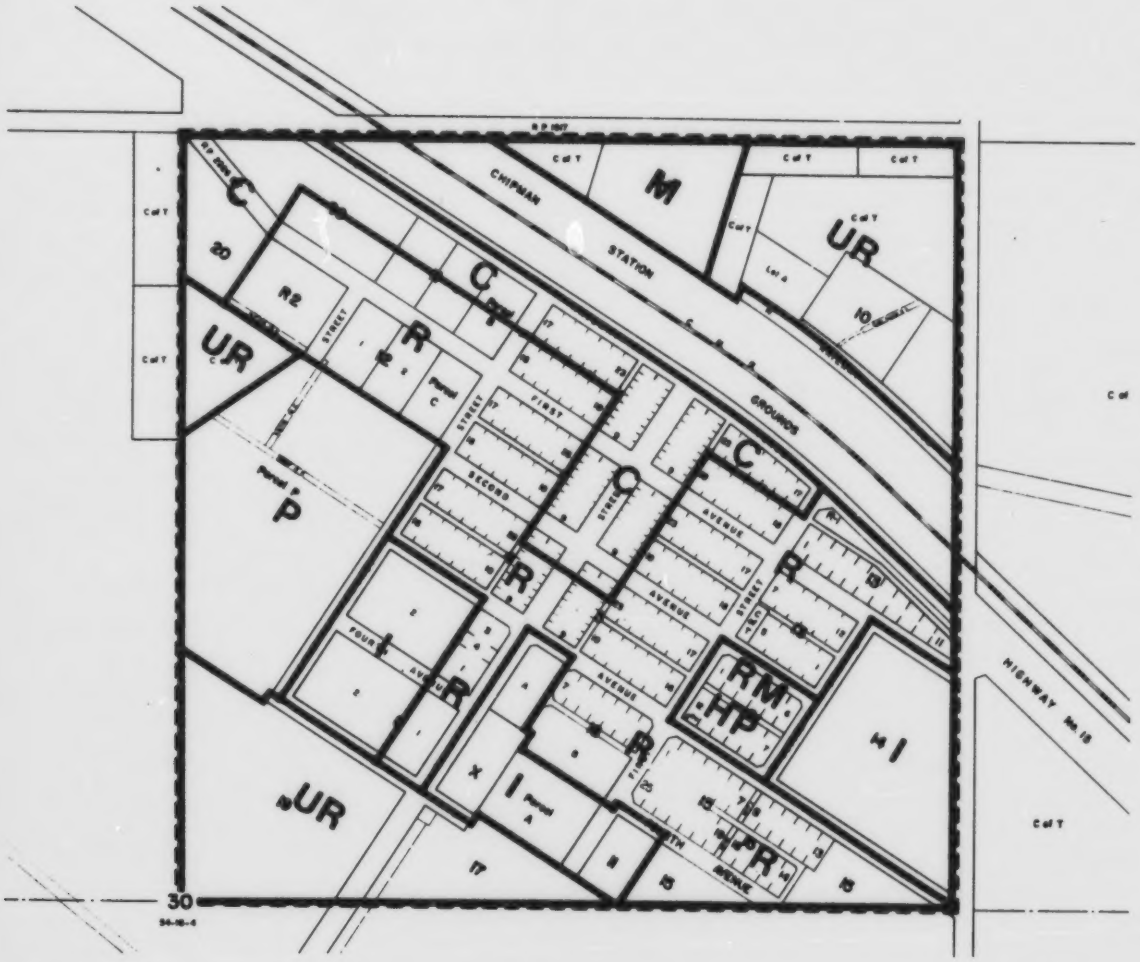
2. Where a person fails or refuses to comply with an order directed to him under Section 5.1.1. or an order of the Development Appeal Board within the time specified, the Council or a person appointed by it may, in accordance with the Planning Act, enter upon the land or building and take such action as is necessary to carry out the order.

3. Where the Council or a person appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on the land.

4. A person who contravenes or fails to comply with any provision of this bylaw is guilty of an offence and is liable upon summary conviction to a fine not exceeding $500.00, exclusive of costs.

5. A Development Officer may suspend or revoke a development permit which has not been complied with.

PART 6 Land Use District Map



R - Residential District

RMHP - Residential Mobile Home Park District

C - Commercial District

M - Industrial District

P - Community District

I - Institutional District

UR - Urban Reserve District

Land Use
Districts

PART 7 Land Use Districts - Uses and Regulations

7.1 Establishment of Land Use Districts

1. For the purpose of this Bylaw the Village of Chipman is divided into the following districts:

   Residential District R
   Residential Mobile Home Park District RMHP
   Commercial District C
   Industrial District M
   Community District P
   Institutional District I
   Urban Reserve District UR

2. The boundaries of the districts are shown in PART 6, LAND USE DISTRICT MAP.

3. Where uncertainty exists as to the boundaries of districts as shown on the Land Use District Map, the following rules shall apply:

   Rule 1. Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof.

   Rule 2. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.

   Rule 3. In circumstances not covered by Rules 1 and 2 the location of the district boundary shall be determined:

   (a) where dimensions are set out on the Land Use District Map, by the dimensions so set; or

   (b) where no dimensions are set out on the Land Use District with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.

4. Where the application of the above rules does not determine the exact location of the boundary of a district, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the district boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.

6. The Council shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

5. After the Council has fixed a district boundary pursuant to the provisions of Section 7.1.4., the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.

7.2 Residential District R

1. Purpose

The General Purpose of this district is to allow for the development of a variety of low and medium density residential development and associated uses.

2. Permitted Uses

(a) Single Family Dwelling
(b) Accessory Buildings and Uses.

3. Discretionary Uses

(a) Mobile Homes
(b) Duplexes
(c) Apartments
(d) Row Housing
(e) Modular Units
(f) Small Parks and Playgrounds
(g) Public or Quasi-Public Building or Public Utility
(h) Churches
(i) Home Occupations
(j) Family Care Facility
(k) Group Care Facility
(l) Other uses which in the opinion of the Development Officer are similar to the above mentioned uses.

4. Regulations

(a) Minimum Lot Size

(i)	Single Family Dwelling	- 6000 sq.ft. (557.42 sq.m.)
(ii)	Duplex "Up and Down"	- 6000 sq.ft. (557.42 sq.m.)
(iii)	Duplex "Side by Side"	- 7200 sq.ft. (668.88 sq.m.);
		- 8000 sq.ft. (743.20 sq.m.) for corner site

(b) Minimum Yard Setbacks

(i)	Single Family Dwelling	
	Front Yard Setback	- 20 ft. (6.09 m.)
	Rear Yard Setback	- 25 ft. (7.62 m.)
	Side Yard Setback	- 5 ft. (1.52 m.)
(ii)	Duplex	- same as single family dwelling

(c) Minimum Floor Area

(i)	Single Family Dwelling	
	1 Storey	- 700 sq.ft. (65.03 sq.m.)
	1 1/2 Storey	- 850 sq.ft. (78.97 sq.m.)
	2 Storey	- 1000 sq.ft. (92.90 sq.m.)
(ii)	Duplex	- 600 sq.ft. (55.74 sq.m.) per unit

(d) Site requirements for all other discretionary uses shall be established by the Development Officer on a site specific basis.

7.3 Residential Mobile Home Park District RMH

1. Purpose

The General Purpose of this district is to permit and regulate mobile home parks wherein stalls are provided on a rental basis.

2. Permitted Uses

(a) Mobile Home Parks
(b) Public Parks
(c) Accessory Buildings and Uses

3. Discretionary Uses

(a) Single Family Mobile Homes
(b) Public and Quasi-Public Buildings
(c) Public Utility Buildings and Installations

4. Regulations

(a) Minimum Lot Size
  (i) Single Family Mobile Home - 4000 sq.ft. (371.59 sq.m.)
  (ii) Mobile Home Park - 5 acres (2.02 ha.)

(b) Minimum Yard Setbacks
  (i) Single Family Mobile Home
    Front Yard Setback - 10 ft. (3.05 m.)
    Rear Yard Setback - 10 ft. (3.05 m.)
    Side Yard Setback - 5 ft. (1.52 m.)

(c) Maximum Density
  (i) Mobile Home Park - 8 mobile home units per acre (.40 ha.)

(d) Site requirements for all other discretionary uses shall be established by the Development Officer on a site specific basis.

7.4 Commercial District C

1. Purpose

The General Purpose of this district is to permit commercial development in the central business area and other appropriate locations within the Municipality. The district allows for the development of retail service businesses as permitted uses and warehousing/secondary commercial businesses as discretionary uses at approved locations. Uses and operations which cause or permit any external objectionable or dangerous conditions shall not be permitted to locate in this district.

2. Permitted Uses

(a) Bank
(b) Barber Shop, Beauty Parlour
(c) Coin Laundries
(d) Grocery Store
(e) Household Appliance Sales
(f) Offices
(g) Retail Stores
(h) Restaurant
(i) Repair Shop (household goods)

3. Discretionary Uses

(a) Auto Sales
(b) Machinery Supply
(c) Clinic
(d) Club or Lodge
(e) Dance Hall
(f) Hotel
(g) Parking Lot
(h) Service or Gas Station
(i) Shopping Centre
(j) Building Supply
(k) Industrial Workshops
(l) The Indoor or Outdoor Storage of articles before sale in connection with any of the aforementioned uses.
(m) An accessory building or use incidental to any of the aforementioned uses. Accessory use in this connection shall be deemed to include dwelling units in or above a building used for any of the aforementioned uses.
(n) Public and Quasi-Public Buildings and uses.

4. Regulations

(a) All regulations shall be determined by the Development Officer on a site specific basis.

7.5 Industrial District M

1. Purpose

The General Purpose of this district is to provide opportunities for light industrial, manufacturing, and secondary commercial uses. Heavier industry may be permitted on approved locations at the discretion of the Development Officer. Uses and operations within this district shall not cause or permit any external objectionable or dangerous conditions apparent beyond any building housing the processes which produce the effects, including but not limited to: noise, vibration, smoke, dust, and other kinds of particulate matter, odour toxic and noxious matter, radiation hazards, fire and explosive hazards, heat, humidity and glare.

2. Permitted Uses

(a) A workshop used by any of the following:

Carpenter
Electrician
Gas Fitter
Metal Worker
Painter
Plumber
Pipe Fitter
Tin Smith

(b) Warehousing; Distribution of Raw Material, Processed or Manufactured Goods, Servicing Establishments.

(c) Light Manufacturing and Fabrication which are not obnoxious.

3. Discretionary Uses

(a) Such Recreation Agricultural and Municipal Uses that are not restrictive and are compatible with an industrial area.
(b) On approved sites, those Industrial Uses that are obnoxious by reason of the emission of odors, dust, smoke, gas, noise or vibration.
(c) On approved sites those Commercial Uses related to the sale and storage of autos and farm implements.

4. Regulations

(a) All regulations shall be determined by the Development Officer on a site specific basis.

7.6 Community District P

1. Purpose

The General Purpose of this district is to permit the use of land for services, mainly of a public nature which have a primary orientation toward the community. Land designated "P" must be owned by the municipality or other government, or will so be owned within six months of being so designated.

2. Permitted Uses

(a) Parks, Playgrounds, Recreation areas, and other similar Public or Quasi-Public Buildings and Uses.

3. Discretionary Uses

(a) Federal, Provincial and Municipal Buildings and Uses
(b) Cemeteries
(c) Public Utility Installations and Uses

4. Regulations

(a) All regulations shall be determined by the Development Officer on a site specific basis.

7.7 Institutional District I

1. Purpose

The General Purpose of this district is to permit development of uses of either a public or private nature which provide services to the community.

2. Permitted Uses

(a) Churches
(b) Community Halls
(c) Hospitals & Nursing Homes
(d) Schools
(e) Senior Citizens Home and Similar Buildings
(f) Accessory Buildings and Uses

3. Discretionary Uses

(a) Cemeteries
(b) Recreational Uses
(c) Private Clubs and Lodges
(d) Public and Quasi-Public Buildings
(e) Other uses which in the opinion of the Development Officer are similar to the above mentioned uses.

4. Regulations

(a) All regulations shall be determined by the Development Officer on a site specific basis.

7.8 Urban Reserve District UR

1. Purpose

The General Purpose of this district is to reserve those lands on the periphery of the developed areas of the Village, which by their relationship to existing land uses, to the main road system, and to the established utility systems, will in time become suitable for general urban uses.

2. Permitted Uses

(a) One Household Dwellings - on existing parcels only
(b) Farming and cultivation of land but not including such agricultural uses as Feed Lots, Hog Barns, Poultry Farms and Fur Farms.

3. Discretionary Uses

(a) Any strictly temporary use or building which in the opinion of the Development Officer will not prejudice the possibility of conveniently and economically replotting or developing the area in the future
(b) Public Utility Installations
(c) Public and Quasi-Public Buildings and Uses
(d) Mobile Homes - on existing parcels only

4. Regulations

(a) At the discretion of the Development Officer no development other than for the above uses shall take place until an overall plan for the area has been resolved. This plan should establish an outline plan of subdivision, the proposed land use classification, public reserve dedications and utilities policies.

(b) All regulations shall be determined by the Development Officer on a site specific basis.

Land Use Provisions

PART 8 Land Use Provisions

8.1 Subdivision of Land

1. Where the development of land involves a subdivision of land, no development permit shall be issued until written evidence is received by the Development Officer indicating that the necessary subdivision has been approved by the Director of Planning.

8.2 Number of Dwelling Units on a Parcel

1. The number of dwelling units permitted on any parcel of land shall not exceed one, except as provided for under Section 78 of the Planning Act.

8.3 Existing Substandard Lots

1. With the approval of the Development Officer the minimum site area may be less in the case of existing substandard lots.

8.4 Topsoil Excavation

1. No person shall commence or continue the removal of topsoil without first obtaining a development permit. There shall be provided upon occupancy of the development, a minimum topsoil coverage of 6 inches (15.24 cm.) and the affected area shall be landscaped to the satisfaction of the Development Officer.

8.5 Fences and Walls

1. In the case of residential lots, no fence or wall shall be:

   (a) Higher than 6 feet (1.82 m.) in side yards and rear yards, to be measured as the average elevation from the ground.

   (b) Higher than 3 feet (.91 m.) in front yards. In the case of more than one front yard fronting onto a street, each yard shall be deemed to be a front yard unless otherwise approved by the Development Officer.

   (c) Higher than 3 feet (.91 m.) within 20 feet (6.09 m.) of the intersection of a street, lane or a street and a lane.

8.6 Landscaping

1. As a condition of the development permit, and to the satisfaction of the Development Officer, all landscaping and planting must be carried out (weather permitting) within a reasonable time after commencement of operation of the proposed development.

8.7 Objects Prohibited or Restricted in Yards

1. No person shall keep or permit in any part of a yard in any residential district:

   (a) Any dismantled or wrecked vehicle for more than 14 successive days;

   (b) Any object or chattel which, in the opinion of the Development Officer is unsightly or tends to adversely affect the amenities of the district;

   (c) Any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken; the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work;

   (d) A commercial vehicle loaded or unloaded of a maximum weight in excess of 9000 lbs. (4082.33 kg.);

   (e) A commercial vehicle or recreational vehicle to remain in front yard; and

   (f) No accessory building, use or parking space shall be located in the front yard of a residential use without the specific approval of the Development Officer.

8.8 Site Development

1. The design, siting, external finish, architectural appearance and landscaping generally of all buildings, including any accessory buildings or structures and signs and any reconstruction shall be to the satisfaction of the Development Officer in order that there shall be general conformity in such matters with adjacent buildings.

8.9 Accessory Buildings

1. An accessory building shall not be used as a dwelling unit.

2. The siting of an accessory building shall be in accordance with the figures on the following page.

3. The siting of an accessory building on an irregular shaped parcel shall be as approved by the Development Officer.

4. An accessory building shall not be located closer than 7 feet (2.13 m.) to a main building.

5. The height of an accessory building shall not exceed 15 feet (4.57 m.) or one storey.

Siting of Accessory Buildings

6. Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or a foundation, it is considered a part of the principal building and is not an accessory building.

7. The total area of an accessory building shall not exceed 12 percent of the site area.

8.10 Signs

1. No signs or advertising structures of a commercial, directional or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.

2. No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the property owner or tenant.

3. No signs, billboards, advertising structure or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.

4. Notwithstanding the generality of 8.10.1 above nor the provisions of 8.10.2 and 8.10.3 above, the following signs may be erected on land or affixed to the exterior surface of a building or structure without application for a Development Permit provided that no such signs shall be illuminated.

   (a) Signs for the purpose of identification, direction and warning or relating to a person, partnership or company carrying on a profession, business or trade, or relating to an institution of a religious, educational, cultural, recreational or similar character or to a residential hotel, apartment block, club or similar institution, not exceeding 12 sq.ft. (1.11 sq.m.) limited to one sign per parcel.

   (b) Temporary advertisement relating to the sale or letting of land, the sale of goods or livestock, the carrying out of building or similar work, announcement of any local event of a religious, education, cultural, political, or similar character not exceeding 12 sq.ft. (1.11 sq.m.), provided that all such temporary advertisements shall be removed by the advertiser within 15 days of the completion of the event or words to which such advertisements relate.

   (c) Advertisements or signs in relation to the function of Local Authorities, Utility Boards or other public or quasi-public bodies.

5. No sign or advertisement shall resemble or conflict with a traffic sign, nor shall it be a traffic hazard.

6. All advertisements shall be kept in a safe, clean and tidy condition, and may by resolution of Council be required to be renovated or removed.

7. No signs or advertising structures other than those specified under Section 8.10.4 above shall be permitted in any residential district.

8.11 Historical and Archaeological Sites

1. Historical sites or archaeological sites identified pursuant to The Alberta Historical Resources Act shall be protected in accordance with guidelines established by Alberta Culture.

8.12 Home Occupations

1. All development permits issued for home occupations and professional offices shall be revocable at any time by the Development Officer, if in his opinion, the use is or has become detrimental to the amenities of the neighbourhood. Home occupations are limited to those uses which do not:

   (a) have outside storage of material goods or equipment on the site;
   (b) create a nuisance by way of dust, noise, smell, smoke, traffic generation or electrical interruption;
   (c) with the exception of a small name plate, not exceeding 2.0 sq.ft. (.19 sq.m.) in area, display any form of commercial advertising related to the home occupation and discernible from the outside of the building;
   (d) require alterations to the principal building unless the alterations are approved by the Development Officer; and
   (e) employ any more than two people other than the occupants of the principal residential building in which the home occupation takes place.

2. The home occupation shall be clearly incidental and secondary to the main residential use and shall not change the residential character.

8.13 Mobile Homes

1. Mobile homes shall have Canadian Standard Association Certification.

2. All accessory structures, such as patios, porches, additions and skirtings, shall be:

   (a) factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the mobile homes; and
   (b) considered as part of the main building; and
   (c) erected only after obtaining a Development Permit.

3. A mobile home unit shall be skirted from the floor level to the ground level and shall match the existing external finish of the mobile home.

4. The floor area of porches and additions shall be proportionate to the floor area of the mobile home unit and this relationship shall be determined by the Development Officer.

5. No accessory building, use or parking space shall be located in the front yard of a mobile home use.

6. For the purpose of storage, any furniture, domestic equipment or seasonally used equipment shall be stored in adequate covered storage or screening either individually on the lot or communally which shall conform to the local building, Fire, Electrical and Plumbing standards.

7. The following regulations also apply to mobile home uses located in residential subdivisions and mobile home subdivisions:

   (a) The hitch and wheels are to be removed from the mobile home;
   (b) All mobile homes shall be placed on a foundation or base. The mobile home is to be attached by means of bolting or otherwise to the foundation or base;
   (c) The property is to be grassed and landscaped within one year from the date of issue of the development permit; and
   (d) Minimum lot area and width may be less in the case of existing registered substandard lots, with the approval of the Development Officer.

8.14 Mobile Home Parks

1. In a mobile home park, the stalls shall be located at least 10 feet (3.05 m.) from a boundary of a street and at least 10 feet (3.05 m.) from adjacent parcels. The setback strip shall be landscaped and/or fenced to the satisfaction of the Development Officer.

2. All roads in a mobile home park shall be constructed and maintained to the satisfaction of the Development Officer. Minimum right of way width shall be 30 feet (9.14 m.).

3. All parks shall be provided with safe, convenient, all-season pedestrian access of at least 3 feet (.91 m.) in width for intended use between individual mobile homes, the park street, and all community facilities provided for park residents.

4. Visitor parking space shall be provided at a ratio of at least one space for every two mobile home units and shall be located at convenient locations throughout the mobile home park, and shall not be used for the storage of boats, trailers, etc.

5. The design of mobile home parks shall be to the satisfaction of the Development Officer.

6. All municipal utilities shall be provided underground to stalls in a mobile home park.

7. In a mobile home park, 5 percent of the gross site area shall be devoted to recreational use or

   recreational space shall be provided at the ratio of at least 100 sq.ft. (9.29 sq.m.) per mobile home space. This recreation space shall be placed in locations convenient to all park residents, free from traffic hazards, shall not be included in area designated as buffer strips and shall be clearly defined.

8. All areas of a mobile home park not occupied by mobile homes and their additions, internal roads, footpaths, driveways, permanent buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Development Officer. Screen fences or walls shall be erected where deemed necessary by the Development Officer around laundry yards, refuse collection points and playgrounds.

9. No part of the park shall be used for non-residential purposes except such uses as are required for the direct servicing and well being of the park residents and for the management and maintenance of the park.

10. Mobile home park facilities shall be arranged to create a homelike atmosphere. This objective is achieved by variations in street pattern, block shapes and location of mobile home stands.

11. Each mobile home stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.

12. Street lighting in a mobile home park shall be to the same standard as that in a conventional residential neighbourhood.

13. (a) Only one main, free-standing, identification sign of residential character and appearance shall be erected at the entrance to a mobile home park unless the Development Officer is of the opinion that a further and similar sign shall be allowed under exceptional circumstances involving the layout location and size of the park in relation to the surrounding areas. The sign or signs shall be of a size, type and construction acceptable to the Development Officer.

    (b) Directional signs within the mobile home park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material.

14. Mobile homes shall be separated from each other by at least 20 feet (6.10 m.) side-to-side and 10 feet (3.05 m.) from eit[illegible] front or rear stall line. Any porch or addition to the mobile home is regarded as part of the mobile home for the purpose of spacing. Notwithstanding the above, the minimum side yard requirements shall be 10 feet (3.05 m.).

15. Mobile home parks shall comply with Central Mortgage and Housing Corporation standards.

16. The minimum site area shall be 5.0 acres (2.02 ha.).

17. The maximum permissible density for a mobile home park shall be 8 mobile home spaces per gross developable acre (.40 ha.) of the area actually being developed at each stage of the development.

18. The minimum size for a mobile home stall shall be 4000 sq.ft. (371.6 sq.m.).

8.15 Industrial Development

1. An application for the establishment of industries shall be considered by the Development Officer who may request advisory comment by the following authorities whose interest or jurisdiction may be affected:

    Provincial Director of Planning
    Alberta Business Development and Tourism
    Alberta Transportation
    Alberta Agriculture
    Alberta Environment
    Alberta Energy and Natural Resources
    Vegreville Health Unit

    The Development Officer shall request that such comments be made in writing.

2. Each application for industrial location shall be accompanied by the following information:

    Location
    Type of Industry
    Size of buildings
    Number of employees
    Estimated water demand and anticipated source
    Type of effluent and method of treatment
    Transportation routes to be used (rail and road)
    Reason for specific location
    Any accessory works required (pipeline, railway spurs, etc.)
    Anticipated residence location of employees

    and/or any such other information as may be reasonably required by the Development Officer.

3. All site regulations and requirements shall be based upon the type of industrial development proposed, and shall be at the discretion of the Development Officer, in accordance with the district in which the site is located.

Definitions

PART 9 Definitions

9.1 For the purposes of the interpretation of this Bylaw:

1. "Act" means the Planning Act, R.S.A. 1980, as amended;

2. "accessory building" or "accessory use" means a building or use which is incidental to the main building or use and is located on the same parcel of land;

3. "apartment" means a residential building consisting of at least 3 dwelling units, but shall not mean row housing;

4. "building" includes any thing constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway;

5. "Council" means the Council of the Village of Chipman;

6. "development" means
   (a) an excavation or stockpile and the creation of either of them, or
   (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of the, or
   (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
   (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

7. "development appeal board" means a development appeal board appointed pursuant to Section 33 of the Act;

8. "development officer" means a person appointed as a development officer pursuant to a resolution of Council;

9. "development permit" means a document authorizing a development and issued pursuant to this land use bylaw;

10. "discretionary use" means the use of land or a building provided for in a land use bylaw for which a development permit may be issued upon an application having been made;

11. "dwelling" means any building or structure used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level and includes multiple dwellings, apartments, lodging and boarding houses, but does not include mobile homes of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary foundation;

12. "dwelling unit" means a complete building or self-contained portion of a building, set or suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separated or shared toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms;

13. "duplex" means two dwelling units sharing a common wall, and located side by side or one above the other;

14. "family care facility" means a facility which provides resident services in a private residence to six or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children, group homes and family homes;

15. "front yard" means a yard extending across the full width of a parcel from the front line of the parcel to the front wall of the main building situated on the parcel.

16. "group care facility" means a facility which provides resident services to seven or more individuals of whom one or more are related. These individuals are handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities and foster or boarding homes;

17. "home occupation" means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate, not exceeding 2 sq.ft. (.19 sq. m) in area.

18. "institutional use" includes but is not limited to public offices, churches, educational facilities, libraries;

19. "main building" means a building in which is conducted the main or principle use of the site on which it is erected;

20. "mobile home" means a structure whether ordinarily equipped with wheels or not that is manufactured to be moved from one point to another by being towed or carried and which provides year round living accommodation for one or more persons and can be connected to utilities;

21. "modular unit" means a prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling. More specifically, a modular unit represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side-by-side or vertically, and completed to form one or more complete dwelling units for year-round occupancy;

22. "municipality" means the Village of Chipman;

23. "non-conforming building" means a building

    (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and
    (b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the land use bylaw;

24. "non-conforming use" means a lawful specific use

    (a) being made of land or a building or intended to be made of a building lawfully under construction, at the date a land use bylaw or any amendment thereof affecting the land or building becomes effective, and
    (b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;

25. "parcel" means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

26. "permitted use" means the use of land or a building provided for in a land use bylaw for which a development permit shall be issued upon an application having been made;

27. "public or quasi-public use" means a use which is proposed for public administration and services and shall also include uses for the purpose of assembly, instruction, culture, community activities and also includes cemeteries;

28. "rear yard" means a yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the rear line of the parcel;

29. "row housing" means a residential use where a building or buildings on a lot are each used for at least three dwelling units with each unit having direct access to the outside grade, but shall not mean "apartment";

30. "side yard" means a yard extending from the front wall of the main building situated on a parcel to the rear wall of the main building and lying between the side line of the parcel and the side wall of the main building;

31. "yard" means a part of a parcel upon or over which no main building is erected;

and all other words and expressions have the meanings respectively assigned to them in the Act.

Forms

FORM A

THE VILLAGE OF CHIPMAN

APPLICATION FOR A DEVELOPMENT PERMIT

Application No: _____

I/We hereby apply for a development permit for the use noted below and in accordance with the accompanying plans and supporting information.

Applicant: _____

Address: _____ Telephone: _____

Registered owner of land: _____

Address: _____ Telephone: _____

Address of property to be developed: _____

Lot _____ Block _____ Registered Plan No. _____

Existing use of property: _____

Proposed use of property: _____

Lot type: Interior _____ Corner _____

Lot Width: _____ Lot Length: _____ Lot Area: _____

Proposed Yard Setbacks: Front: _____ Side: _____ Rear: _____

Floor Area: _____

Height of Accessory Building: _____

Setback from side lot line: _____ Setback from rear lot line: _____

Estimated commencement date: _____ Estimated completion date: _____

Estimated cost of the project or contract price: _____

Interest of Applicant if not owner of property: _____

Signature of Applicant: _____ Date: _____

*NOTE: A site plan must be attached to this application showing the location of existing and proposed buildings on the land in accordance with Section 2.1 of the Land Use Bylaw.

FORM B

THE VILLAGE OF CHIPMAN

NOTICE OF DECISION ON DEVELOPMENT PERMIT

Application No: Permit No:

You are hereby notified that your application for development involving _____

---

has been:

APPROVED

APPROVED SUBJECT TO THE CONDITIONS ATTACHED

Date of Decision: _____ Date of Issue of this Permit: _____

Signature of Development Officer: _____

NOTE

1. The issuance of a Development Permit in accordance with the notice of decision is subject to the condition that it does not become effective until 15 days after the date the order, decision or development permit is issued.

2. The Land Use Bylaw provides that any person claiming to be affected by a decision of the Development Officer may appeal to the Development Appeal Board by serving written notice of appeal to the Secretary of the Development Appeal Board within 14 days after notice of the decision is given. Should an appeal be made against this decision to the Development Appeal Board, the development permit shall be null and void.

3. A permit issued in accordance with the notice of decision is valid for a period of 12 months from the date of issue. If at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.

FORM C

THE VILLAGE OF CHIPMAN

NOTICE OF DECISION ON DEVELOPMENT PERMIT

Application No:

You are hereby notified that your application for development involving _____

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has been REFUSED for the following reasons:

Date of Decision: _____ Date of Issue of this Notice: _____

Signature of Development Officer: _____

You are further notified that you may appeal this decision to the Development Appeal Board in accordance with the provisions of Part 3 of this Bylaw. Such an appeal shall be made in writing and shall be delivered either personally or by mail so as to reach the Secretary of the Development Appeal Board not later than fourteen (14) days following the date of issue of this notice. The notice of appeal shall contain a statement of the grounds of appeal.

FORM D

THE VILLAGE OF CHIPMAN

NOTICE OF DECISION OF DEVELOPMENT OFFICER

Application No: Permit No:

This is to notify you with respect to a decision of the Development Officer whereby a development permit has been issued authorizing the following development: _____

_____

_____

Address of property _____

Lot _____ Block _____ Registered Plan _____

or Certificate of Title _____

Date of Decision _____

_____

The Land Use Bylaw provides that any person claiming to be affected by a decision of the Development Officer may appeal to the Development Appeal Board by serving written notice of appeal to the Secretary of the Development Appeal Board within 14 days after notice of the decision is given.

FORM E

THE VILLAGE OF CHIPMAN

NOTICE OF APPEAL HEARING

Application No: Permit No:

This is to notify you that an appeal has been made to the DEVELOPMENT APPEAL BOARD against a decision in respect of Application No. _____ which involves development described as follows:

The decision APPROVED / APPROVED WITH CONDITIONS / REFUSED a development permit for the following reasons:

PLACE OF HEARING: _____

TIME OF HEARING: _____

DATE OF HEARING: _____

Any persons affected by the proposed development have the right to present a written brief prior to the hearing and to be present and be heard at the hearing. Persons requiring to be heard at the meeting shall submit the written briefs to the Secretary of the Development Appeal Board not later than _____.

_____ _____

DATE SIGNATURE of Secretary
Development Appeal Board

FORM F

THE VILLAGE OF CHIPMAN

NOTICE OF APPEAL DECISION

Application No. Permit No.

This is to notify you that an appeal against the APPROVAL / APPROVAL WITH CONDITIONS / REFUSAL of a development permit with regard to the following:

was considered by the DEVELOPMENT APPEAL BOARD ON_____ 19_____ and the decision of the DEVELOPMENT APPEAL BOARD with regard to the appeal is as follows and for the following reasons:

DATE

SIGNATURE of Secretary
Development Appeal Board

Note:
A decision of the Development Appeal Board is final and binding on all parties and persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Planning Act. An application for leave to appeal to the Appellate Division of the Supreme Court of Alberta shall be made:

(a) to a judge of the Appellate Division, and
(b) within 30 days after the issue of the order, decision, permit or approval sought to be appealed.

FORM G

THE VILLAGE OF CHIPMAN

APPLICATION FOR AMENDMENT TO THE LAND USE BYLAW

FEE: $200.00 Application No.

I/We hereby make application to amend the Land Use Bylaw.

Applicant: Name_____ Telephone_____

Address_____

Owner of Land: Name_____ Telephone_____

Address_____

Land Description: Lot_____ Block_____ Registered Plan_____

Certificate of Title_____

Amendment Proposed

FROM_____

TO_____

Reasons in support of Application for Amendment

Date_____ Signed_____